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TO: Group 1633, Examiner Wilson

FROM: Valerie Looper

RE: Response to Office Action

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DATE: October 10, 2002

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UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : October 10, 2002
LISZIEWICZ and LORI : Atty Docket No. RGT 7028
Serial No. 09/863,606 : Group 1632
Filed: May 23, 2001 : Examiner: Wilson

For: Therapeutic DNA Vaccination

Commissioner for Patents
And Trademarks
Washington, D.C. 20231

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In response to the Restriction Requirement bearing a mail date of September 10, 2002, kindly enter the enclosed response of record.

Election

The Applicants elect Group III, Claims 1 and 3-14, for prosecution at this time. The separation of the Claims into Group I, comprising 1 and 15-21, and Group III, Claims 1 and 3-14, is traversed. The applicants respectfully request that the Examiner reconsider the suggestion that the applicants amend the claims to eliminate limitations from the main claim, because the proposed deletion relates to an essential step in the method.

Remarks

The present invention is drawn to a method of *therapeutic* immunization. That is, a way to use a *vaccine* to treat an *already-existing infection*. All of the known, commercialized vaccines, including those for smallpox, rabies and anthrax, are preventive. That is, they are used alone, without any related treatment, before an infection has developed. This immunization method extends the benefits of a vaccine to individuals that are already infected. This is an immense advantage over known vaccine technologies.

The applicants wish to clarify that the advantages of the present invention are obtained by the use of two divergent classes of materials in combination. Thus, the use of